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Letter dated 4 May 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached third report from Iraq submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 19 April 2006 from the Permanent Representative of Iraq to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

Upon instructions from my Government, I have the honour to transmit herewith the report of the Government of Iraq on combating terrorism in accordance with its obligations under paragraph 6 of Security Council resolution 1373 (2001).

(*Signed*) Hamid **Al-Bayati**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

Enclosure

[Original: Arabic]

Report of Iraq on combating terrorism

The Government of Iraq condemns all forms of terrorist acts, whatever the motives or causes, and simultaneously reaffirms its desire and determination to take all necessary measures to protect against this international scourge and to bring the perpetrators to justice to receive their just reward. In this context, the following should be pointed out:

1. Since the overthrow of the regime in April 2002, Iraq has passed the following set of laws, decrees and orders aimed directly or indirectly at preventing or deterring terrorist acts:

(a) The Law of Administration for the State of Iraq for the Transitional Period. Article 29 (e) of the 2004 Law of Administration for the State of Iraq for the Transitional Period states that the Iraqi Transitional Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical and biological weapons, and associated equipment, materiel, technologies and delivery systems.

(b) Coalition Provisional Authority Order No. 26 of 24 August 2003 provided for the establishment of the Department of Border Enforcement to protect the security and safety of the people of Iraq and others lawfully present in Iraq.

(c) Coalition Provisional Authority Order No. 28 of 3 September 2003 was issued to establish the Iraqi Civil Defence Corps, given the need to address promptly threats to public security and stability resulting from wrongful acts or disasters and to prevent terrorists from undermining the security of Iraq, which necessitates the temporary establishment of an Iraqi constabulary force to cooperate with coalition forces in countering threats and maintaining security in Iraq.

(d) Coalition Provisional Authority Order No. 27 of 2003 established the Facilities Protection Service to assist the people of Iraq in their efforts to create conditions of stability and security.

(e) Coalition Provisional Authority Decree No. 3 of 2003 on weapons control was promulgated in order to take all possible measures to restore public order and safety in Iraq.

(f) Similarly, Coalition Provisional Authority Order No. 25 of 2003 on the confiscation of property used in or resulting from certain crimes, such as those involving natural resources or the environment and such means of transport or conveyance as aircraft, among others.

(g) Similarly, Coalition Provisional Authority Order No. 14 of 2003 on the prohibition of media activity that misuses the media to promote violence or to undermine public security generally.

(h) Coalition Provisional Authority Decree No. 54 of 2003 on the policy of trade liberalization, forbidding the import of non-military explosive materials for industrial use or of materials that may be used in the manufacture of explosives.

(i) Coalition Provisional Authority Order No. 13 of 2004 on the establishment of the Central Criminal Court of Iraq (CCCI), in Section 18 whereof it is stated that, in the exercise of its judicial authority, CCCI should concentrate its resources on cases related to:

(i) Terrorism;

(ii) Organized crime;

(iii) Government corruption;

(iv) Acts intended to destabilize democratic institutions or processes;

(v) Acts of violence based on race, nationality, ethnicity or religion.

(j) The Anti-Money Laundering Act of 2004 was made necessary by the realization that the effective deterrence and combating of terrorism, financial crime and fraud require rigorous controls aimed at the heart of these illegal activities. This is what the aforementioned Act regulates and addresses. Article 2 (5) of the Act confers on the Central Bank responsibility for the supervision of financial institutions, particularly banks, and for the monitoring of their activities. Paragraph (e) of Article 7/i confers on the General Department for Banking Control responsibility for field inspection of all banks and investment companies and for confirming the extent of their application of the Banking Act and the Central Bank of Iraq Act. The Banking Act contains articles relating to the measures that must be taken by the Bank in the event of violations thereof (Article 9), the establishment of the Money Laundering Reporting Office (Article 12) and the verification of customer identity (Article 15). A unit of the General Department for Banking and Credit Control is responsible for investigating and coordinating the financial transactions of clients, particularly within the banking system. The unit holds all personal information.

(k) Coalition Provisional Authority Order No. 79 of 2003 on the establishment of the Iraqi Non-proliferation Programmes Foundation to redirect into civilian activities the experience and skills of certain individuals relating generally to nuclear, chemical and biological weapons or delivery systems and the production of weapons of mass destruction.

(l) Article 35 of the Banking Act of 2004 stipulates that if a bank or any of its administrators or officers learns that the execution of a banking transaction or the receipt or payment of a sum of money pertains or may pertain to a crime or illegal act, the Central Bank of Iraq shall be notified thereof.

(m) The Constitution of the Republic of Iraq of 2005 includes articles relating to terrorism. Article 7 stipulates that:

(i) No entity or programme, under any name, may adopt racism, terrorism, the calling of others infidels, ethnic cleansing, or incite, facilitate, glorify, promote, or justify thereto, especially the Saddamist Baath in Iraq and its symbols, regardless of the name that it adopts. This may not be part of the political pluralism in Iraq. This will be organized by law;

(ii) The State shall undertake to combat terrorism in all its forms, and shall work to protect its territories from being a base or pathway or field for terrorist activities.

Paragraph 3 of Article 21 stipulates that no political asylum shall be granted to a person accused of committing international or terrorist crimes or to any person who inflicted damage on Iraq. Article 73 thereof stipulates that the President of the Republic shall have the power to issue a special pardon on the recommendation of the Prime Minister, except in respect of matters concerning private claims and in respect of persons who have been convicted of international crimes, terrorism, and financial and administrative corruption. Article 123/2 stipulates that the State shall guarantee compensation to the families of martyrs and to persons wounded as a result of terrorist acts.

(n) Article 1 of Anti-Terrorism Act No. 13 of 2005 defines terrorism as "any criminal act undertaken by an individual or group of individuals or by official or unofficial groups or organizations that causes damage to public or private property with the aim of upsetting the security situation or stability and national unity or of producing terror, fear and alarm among the populace or of provoking chaos in the pursuit of terrorist aims". Article 2 considers the following to be terrorist acts:

(i) Violence or threats designed to strike terror among the populace or to expose their lives, freedoms and security to danger and their property and possessions to damage, for whatever motive or purpose, in execution of a systematic terrorist design by an individual or group;

(ii) The use of violence and threats with the intent to destroy, demolish, ruin or damage public buildings or property, government offices, institutions or bodies, State agencies, private sector organizations, public utilities, public places intended for public use or public gatherings frequented by crowds, or public assets, or the attempt to occupy or take control thereof, to expose to risk or to prevent their proper use with the aim of undermining security and stability;

(iii) The organization, direction or control of the leadership of an armed terrorist group that engages in, plans, participates or collaborates in such activity;

(iv) The use of violence and threats to instigate sectarian strife, civil war or sectarian fighting by arming civilians or encouraging them to bear arms against one another by incitement or funding;

(v) Aggression by means of arms, biological agents or similar substances, radioactive materials or toxins;

(vi) Kidnapping, restriction of the freedom of individuals or holding them to ransom for purposes of gain of a political, sectarian, ethnic, religious or racial nature in such a way as to threaten security and national unity and to promote terrorism.

In addition to the provisions of paragraph 1, above, the Government of Iraq has established a Higher Committee for Combating Terrorism, chaired by the Ministry of Foreign Affairs and with a membership consisting of representatives of all relevant Iraqi ministries and institutions, to combat terrorism in one form or another, to prepare reports on the steps Iraq is taking to combat terrorism for submission to the Security Council in implementation of resolution 1373 (2001), to study the issue of Iraq's ratification of or accession to international treaties to combat terrorism, whether concluded within the framework of the United Nations, the League of Arab States or the Organization of the Islamic Conference, and to submit appropriate recommendations to the competent Iraqi bodies.